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10/528,324	03/18/2005	Wolfgan Denker	HM-618PCT	6761
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FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER SUHOL, DMITRY	
			ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/528,324  
Filing Date: March 18, 2005  
Appellant(s): DENKER, WOLFGAN

**MAILED**  
**JUL 20 2007**  
**GROUP 3700**

\_\_\_\_\_  
Klaus P. Stoffel  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 1/22/2007 appealing from the Office action mailed 6/12/2006.

**(1) Real Party In Interest**

A statement identifying the real party in interest is contained in the Brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,112,569	Ossendorf	9-2000
3,626,739	Willeke et al	12-1971

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ossendorf '569 in view of Willeke et al '739. For purposes of claim 1, Ossendorf discloses a roll stand having chocks (6), bending blocks (8, 9, 16 and 17), mill housing (7), piston cylinder (15). The structural features of claim 3 are shown in figure 1 as piston 15.

Ossendorf fails to teach a vertical positioning mechanism being "assigned" to one set of bending blocks and configured as a spindle-type lifting gear unit as required by claim 1. However, Willeke discloses a device like that of Ossendorf which teaches that it is known to provide a vertical positioning mechanism configured as a spindle type lifting gear (15, 16) which are assigned to opposite sides of the device (figure 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the claimed invention to have included the spindle type mechanism of Willeke in the device of Ossendorf for the purpose of acting as a screw down for the backing rolls in order to

control the roll thickness and rolling gap by applying pressure on the backup rollers relative the work rolls as taught by Willeke (col. 1, lines 30-40 and col. 3, lines 21-23).

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Ossendorf '569. Ossendorf discloses a roll stand containing all of the claimed limitations including, with respect to claim 4, chocks (6), bending blocks (8, 9, 16 and 17), mill housing (7), piston cylinder (15), a vertical positioning mechanism (18) where it is considered that the shaft of piston is eccentric to some portion of the device structure.

#### **(10) Response to Argument**

Appellants first argument begins at page 6, where it is argued that the Ossendorf reference only uses piston-cylinder units and that there is no disclosure of a vertical positioning mechanism as claimed. Specifically, it is argue that Ossendorf lacks a vertical positioning mechanism which is designed as one of wedges with restricted guidance, a cylinder with a clamping head and a position sensor, or as an eccentric shaft. In response it is the examiners position that lacking any clear definition of what is considered by the appellants to be an eccentric shaft, the examiner has taken the broadest reasonable interpretation consistent with the common every day meaning of the term "eccentric" to be deviating from the geometrical center. Therefore since the shaft of one of the pistons (15) is clearly seen off center with respect to the central vertical plane running through the center of the backup rollers (3,4) and work rollers (1,2), see figure 1, it is broadly considered to be eccentric. It should be further pointed out that appellant's figure 2 appears to show vertical positioning mechanisms (10) which

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are off center relative the center of bending blocks 5' and therefore the definition of eccentric as applied by the examiner is consistent with Appellants disclosure.

Appellants further argue, starting at page 7, that there is no motivation combine the Willeke and Ossendorf references to arrive at the present invention since there is no recognition by either reference, or their combination, of the problems being addressed in Appellant's invention. In response the examiner points out that the combination proposed by the examiner to modify Ossendorf with the spindle unit of Willeke is not intended to replace one of the piston units (15) of Ossendorf but rather to provide a screw down mechanism for applying pressure to the backup rollers in order to control the rolling gap and rolling thickness of the strip metal as suggested by Willeke (col. 1, lines 30-40 and col. 3, lines 21-23). Therefore, since the claim only requires that the vertical positioning mechanism is "assigned" to the left or right bending block, and since the structure of Willeke shows spindles (15, 16) being positioned in line with the left, right housings (1, 2), the combination of the two references would produce a structure where spindles are in line with the left and right bending blocks of Ossendorf and thus assigned thereto.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Dmitry Suhol



Primary Examiner

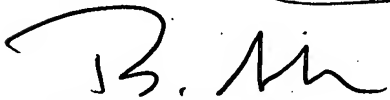
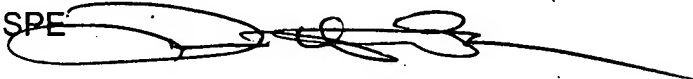
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